IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.860 OF 2005
IN
SUIT NO.1071 OF 2004

Randhir Karsandas Chikhal ..Plaintiff

V/s.

Mrs.Lilavati C.Kapadiya & Ors. ..Defendants

Mr.V.A.Thorat i/by Utangale & Co. for applicant.

Mr.Navin Parekh for the plaintiff.

Ms.Alpana Ghone i/by M/s. Kanga & Co. for Defendant Nos.9 to 11.

Ms.Svaseem Patrawala i/by P.Mehta & Mithi for Defendant No.2.

Coram : A.M.Khanwilkar,J

Date : 24.10.2005.

PC

1. Heard Counsel for the parties.

2. I find substance in the argument of the Counsel for defendant no.9 that defendant no.9 is the contesting party to the present Chamber summons as he has in possession of the disputed premises. Office note indicates that defendant nos.4, 6, & 8 are not served. As suggested by Counsel for defendant no.9, I am inclined to allow this application without prejudice to the rights and contentions of the respective defendants to be taken

up in the pending suit including arising out of the proposed amendment. This course is adopted as plaintiff has no objection for impleading the respondent as party defendant to the suit as the respondent has purchased the disputed property through the defendants. Accordingly, Chamber summons made absolute in terms of prayer clauses-(a) and (b) on the above terms. Amendment to be carried out within six weeks. No order as to costs.

(A.M.Khanwilkar,J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.861 OF 2005
IN
SUIT NO.1872 OF 1992

Chandulal Narandas Thakkar & Co. ..Plaintiffs

V/s.

Mr. Nipun Ishwardas Thakkar ..Defendant

Ms.Alpana Ghone i/by Kanga & Co. for plaintiffs.

Mr.V.A.Thorat i/by M/s.Utangale & Co. for applicant.

Mr.Navin Parekh for Defendant no.10.

Ms.Naseema Patrawala i/by P.Mehta & Mithi for Defendant No.3.

Coram : A.M.Khanwilkar,J

Date : 24.10.2005.

PC

1. For the reasons mentioned in the companian chamber summons it is agreed between the Counsel appearing for the parties that even present Chamber summons be granted. Accordingly, Chamber summons made absolute in terms of prayer clauses-(a) and (b) without prejudice to the rights and contentions of the respective parties including arising from the proposed amendment granted in terms of the present Chamber summons. Amendment to be carried out within 4 weeks. No order as to costs. It will be open for the parties to take out appropriate proceedings as may be advised and permissible in law which will have to be considered on its own merits.

(A.M.Khanwilkar,J)